

The Maltreatment of Women and Children in Kenyan Refugee Camps

By

Ronda Porter

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Chairperson Professor John James Kennedy

Co-Chairperson Professor Hal Wert

Professor Sharon O'Brien

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The Thesis Committee for Ronda Porter
certifies that this is the approved version of the following thesis:

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Chairperson Professor John James Kennedy

Co-Chairperson Professor Hal Wert

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Abstract

East Africa has been a hot spot for wars and conflict for several years. As a result, many have been uprooted from their homes and forced to find safety elsewhere. Many of those forced to flee and then victimized are women and girls. Kenya is where most have sought refuge. This thesis deals with the problems of flight, the violence and sexual abuse that occur in the refugee camps, and efforts of international organizations to cope with those problems.

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Chapter 1 – Introduction

“Our Country”, she will say, “throughout the greater part of its history has treated me as a slave; it has denied me education or any share in its possessions. ‘Our’ country still ceases to be mine if I marry a foreigner. ‘Our’ country denies me the means of protecting myself. . .” “For,” the outsider will say, “in fact, as a woman, I have no country.”¹

Virginia Woolf, Three Guineas

According to the United Nations High Commissioner for Refugees (UNHCR), by the end of 2010, 43.7 million people around the world have fled their countries as a result of conflict. Scholars that investigate the causes, rights, and solutions of the refugee problem consider the issues from a number of perspectives, including legal rights and classifications, sociological reasons for leaving, and the impact of mixing refugees from a variety of cultural backgrounds in one camp.

Only recently appearing in the literature is the specific problems of gender violence - the topic of this thesis. Using Kenya as a case study, this thesis focuses on the particular area because Kenya currently hosts the largest refugee camp in the world with estimates of 630,000 refugees throughout the country at the end of August 2012.² The purpose of this thesis is to 1) examine the experience and risk taken by female refugees, 2) analyze steps taken failed to be taken on the safety of refugee women and children, and 3) propose solutions to failed attempts to the safety of them women and children.

Chapter 2 provides the background information on the Kenyan refugee situation, with a focus on the two main refugee camps. Chapter 3 explores the reasons why women are forced into or flee to these refugee camps, despite the intolerable situations they find there which is the focus of Chapter 4. Chapters 5 and 6 examine the legal and programmatic efforts to

improve the treatment of women, followed by a discussion in Chapter 6 of the further needs and suggestions of better solutions.

Historical Protection of Refugees

The first recognition of refugee status came during the Armenian Genocide of 1915 and the Russian Revolution of 1917 when large numbers of Russian and Armenian citizens fled their countries. Out of these conflicts, the League of Nations established the Office of the High Commissioner for Refugees in 1921 to address the world's concern over displaced persons. Headed by Fridtjof Nansen, the Office established the "Nansen Passport" which provided refugees and displaced persons with an official identity card to start new. This idea was extended to other refugees including Armenians in 1924 and Assyrian and Turkish refugees in 1928. In 1926, the League of Nations created the first basic definition for a 'refugee' in 1926 as "being an individual with a national origin no longer enjoying the protection of the national government, and who had not acquired another nationality".³ World War II and the large capacity of refugees fleeing from the Nazis became too much for Nansen's Office to handle. As a result the United Nations established the Relief and Rehabilitation Administration (UNRRA) in 1943 to assist with the overflow of World War II refugees.⁴ In 1946, the same year the League of Nations dissolved, the International Refugee Organization (IRO) replaced this organization, followed by the permanently established United Nations High Commissioner for Refugees (UNHCR) in 1951.⁵ The United Nations inherited the work undertaken by the League, convening again in 1951 to discuss, among a myriad of other issues, the types of legal protection, other assistance, and social rights a refugee should receive from the European countries participating in the refugee protection. Over time United Nations High Commissioner

for Refugees was expanded to include people around the world (other than just Europe) through sub-organizations and treaties such as the Protocol Relating to the Statue of Refugees of 1967 and the Organization of African Unity (OAU) Refugee Convention of 1969.⁶

International Protection of Refugee

Refugees are people who are forced to flee their country because of well-founded fear of persecution for reasons of race, religion, nationality, political opinions, or membership in a particular social group. Note that persecution focused on gender is not included. A refugee either cannot return home, or is afraid to do so.⁷ UNHCR defines refugees, asylum seekers, and internally displaced persons in the following way:

Refugees include individuals recognized under the *1951 Convention relating to the Status of Refugees*; its 1967 Protocol; the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*; those recognized in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or, those enjoying “temporary protection”. The refugee population includes people in a refugee-like situation.

Asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined.

Internally displaced persons (IDPs) are people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural- or human-made disasters, and who have not crossed an international border. For purposes of UNHCR’s statistics, this population only includes conflict-generated IDPs to whom the Office extends protection and/or assistance. The IDP population includes people in an IDP like situation.

Returned refugees (returnees) refer to refugees who have returned voluntarily to their country of origin or habitual residence.

Returned IDPs refer to those IDPs who were beneficiaries of UNHCR’s protection and assistance activities and who returned to their areas of origin or habitual residence between January and December of [the same year]. However, in practice, operations may assist IDP returnees for longer periods.⁸

For the purpose of the paper, refugees will be the focus even though sometimes there is a fine line between refugees, internally displaced persons (IDPs), and asylum seekers.

Sociological definitions

Refugees can be categorized even further according to the reasons why people leave their homes. According to Sarah Lischer, assistant professor at Wake Forest University and author of ***Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid***, there are three types of refugees; situational refugees, persecuted refugees, and state of exile refugees. Situational refugees are people, considered harmless, that will return to their home country when things settle down. They just happen to be in the wrong place at the wrong time when conflict broke out. Persecuted refugees have to leave because of beliefs and normally don't return home unless agreements are made to reassure their safety upon arrival into their home country. The last type is exile refugees. These refugees can be considered very dangerous because of their involvement with politics. These people are always ready to form guerrilla groups and usually use humanitarian aid resources stolen from Non-Government Organizations (NGOs) to fuel their war. Exile refugees are a large threat to women and girls within refugee camps as they become easy prey when they are taken as child soldiers and 'comfort women'.⁹ The majority of female refugees fall into the category of situational refugees hoping to return home.

Immigrant Transnationalism versus Refugee Transnationalism:

With the recent international hype of migration continues to grow, so too does the categorization of migration. The term transnationalism was created in the 1990s by several

scholars studying the history and types of migration and the reasons for it.¹⁰ The term means the “processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement”.¹¹ The basic term here can relate to any person in movement from their home for reasons ranging from searching for better economic opportunities, to loss of land, to fleeing for safety. But recently researchers have started to distinguish between immigrant transnationalism and refugee transnationalism, arguing that “it differs markedly from that of other immigrant classes because refugees are forced to leave their homes, often with little notice, and hence have less capital and support than economic and/or skilled migrants.”¹² Refugee transnationalism is defined as “the social, cultural, economic and political relations that refugees practice and engage in both in their places of settlement and places of origin.”¹³ Stuart Hall, a professor at Oxford University, explains in an Oxford Amnesty Lecture (2003) about transnational migration that:

*Migration is increasingly the joker in the globalisation pack, the subterranean circuit connecting the crisis of one part of the global system with the growth rates and living standards of the other [. . .] Seeking by whatever means they can – legal or illegal-to escape the consequences of globalisation and the new world order, [those stigmatized as economic migrants, refugees, and asylum-seekers] move along uncharted routes, secrete themselves in the most inhospitable interstices, mortgage their worldly goods to the human traffickers, seal life-threatening contracts with gang-masters and pimps, and exploit their lateral family connections in order to subvert the physical barriers, legal constraints and immigration regimes which metropolitan powers are vigorously putting in place.*¹⁴

The majority of studies focused on this topic are related to economic remittances, political activity, and more recently on role of gender, class, and ethnicity and cultural practices in relation to the uprooting and movement of refugees.

Another term related to migrant transnationalism is hybridization. Hybridization is defined as a unique way of looking at cultural mixing within globalization. When comparing

refugees to hybridization, the issue between borders crossing falls more under the definition of hybridization. Jan Nederveen Pieterse, author of *Globalization and Culture: Global Mélange* and creator of the term hybridization, introduced this concept of hybridization describing it as depending on the person's point of view. He says 'contra hybridity' would argue the point that "The lumpenproletariat real border-crossers live in constant fear of the border," where the 'pro hybridity' argument is "crossborder knowledge is survival knowledge." If studying this argument through the hybridization lens, he claims you have to know how to survive if you cross the border and be able to adapt to a different environment.¹⁵ From 'pro hybridity' point of view, refugees fall under this definition.

The method used to conduct this research is a review and analysis of existing literature. All research is supplemented by published books and articles, news sources, documentaries and research conducted through International NGOs. This research is ever changing on the slow progress made in the maltreatment of refugee women and children as well established organizations are admitting to the real problems of refugee camps and beginning to implement more programs to combat the abuse of refugee women and children endure.

Chapter 2 - Kenya and Refugee Camps

There are many challenges facing the international community today but few, in my mind, are more pressing than those of finding humanitarian solutions to refugee problems. We talk of regional conflicts, of economic and social crises, of political instability, of abuses of human rights, of racism, religious intolerance, inequalities between rich and poor, hunger, over-population, under-development and. I could go on and on. Each and every one of these impediments to humanity's pursuit of well-being are also among the root causes of refugee problems.

Poul Hartling, UN High Commissioner for Refugees, 1978-1985

When the word 'conflict' emerges in conversations pertaining to international issues, Africa is the first area often thought of. It is hard to dispute that most African countries are currently in conflict, and if not, they are conflict prone. One region that fits this description well is East Africa.

The region includes Eritrea, Sudan, Somalia, Ethiopia, Uganda, Rwanda, and Kenya. This conflict prone area has forced several thousands of people to flee their homeland for safety. According to the United Nations High Commissioner for Refugees (UNHCR), by the end of 2010, 43.7 million people around the world have fled their countries as a result of conflict. These people have been turned into refugees, asylum seekers or internally displaced persons.¹⁶ About half of these refugees are women and girls, who are exposed to danger.¹⁷

Geography and People of Kenya

Kenya sits right in the middle of several conflict- prone countries and contains the most refugees in the world. Kenya borders Ethiopia, Somalia, Sudan, Uganda, and Tanzania. The population of Kenya was about 39 million in August 2010.¹⁸ The climate varies in different areas of the country. This becomes important when looking at refugee camps which are located in

the desert. These factors make lives for refugees that much more difficult. The south, west, and the central regions of Kenya are tropical while the north and northeast area are arid.¹⁹

Kenya possesses a number of different ethnic groups, but seven make up the majority of the population. Religiously, Christians consist of about eighty percent and Muslims about ten percent of the population. English is the official language, but Swahili is the national language. All of these factors play an important role in the treatment of refugee women and girls, especially if the language the women or girls speak is not the Kenyan native language or their religion is not Christian. Also keep in mind that in 2010 UNHCR estimated 1 refugee per 247 Kenyans was being hosted, the third largest refugee population in the world.²⁰ From this perspective, Kenyans already feel overrun by foreign refugees and this creates prejudice.

The large population of refugees changes the dynamics of the culture in the country. According to UNHCR, as of January 2012, Kenya hosts about 566,500 refugees.²¹ The numbers are estimated to continue to grow. The projected numbers of expected refugees over a two year period are broken down by country in the following charts. The charts demonstrate how this change has occurred from January 2010 to through December 2011. Keep in mind that as of 2009 there were an estimated 342,000 refugees in Kenya.²²

TYPE OF POPULATION	ORIGIN	JAN 2012	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Total		839,600	619,600
Refugees	Ethiopia	20,980	20,980

	Somalia	479,000	479,000
	Sudan	27,500	27,500
	Various	9,090	9,090
Asylum-seekers	DRC	6,530	6,530

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Source: Diagram taken from the Kenya Profile Page from the UNHCR website, at <http://www.unhcr.com> (February 2, 2012).

2012 UNHCR Planning Figures for Kenya

TYPE OF POPULATION	ORIGIN	DEC 2012 - JAN 2013		DEC 2013	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Total		975,800	735,800	1,112,000	862,000
Refugees	Ethiopia	14,300	14,300	6,500	6,500
	Somalia	623,100	623,100	769,100	769,100
	Sudan	33,000	33,000	39,000	39,000
	Various	14,550	14,550	13,000	13,000
Asylum-seekers	DRC	5,050	5,050	3,520	3,520

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Source: This chart is a prediction of refugee flow into Kenya for 2012-2013. This chart is found on the 2012 UNHCR Country Operations Profile: Kenya, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>

Refugee Camps in Kenya

Due to conflicts in surrounding countries, Kenya has hosted refugees since their independence in 1963. From the longest civil war and the creation to a new country in Sudan, to multiple coups and bordering conflicts in Tanzania and Uganda, to drought, famine, and lack

of government in Ethiopia and Somalia, thousands have taken refuge in Kenya.²⁵ Today Kenya hosts two refugee camps, Kakuma in the North, and Dadaab in the East. The land for camps was granted by the Kenyan government but is managed by UNHCR. In 2010, UNHCR had four offices set up in Kenya with a staff of 368 in charge of managing the two camps and approximately 34 partners (including NGOs and IGOS) caring for an estimated number of 530,000 refugees.²⁶ Additionally, each camp has their own set of unique issues, which has created an even more hostile environment for females.



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Source: The Map taken from the Kenya Country Profile Page from the UNHCR website, at <http://www.unhcr.com> (February 2, 2012).

Kakuma

Kakuma was established in 1992. It is situated about 125 miles away from the Kenyan-Sudan border. The camp itself is set up in zones which separate ethnicities and nationalities.²⁸ If the camp was not set up in these zones more conflict would arise as a result of mixing groups who are at war with one another. As of 2012, Kakuma is host to over 101,000 refugees from Ethiopia, Sudan, Somalia, Democratic Republic of Congo, Rwanda, Burundi, Eritrea, and Uganda. This number has increased since 2011 as NGOs are transporting an overflow of Somalis from Dadaab to Kakuma, though exact numbers are not reported at this time. To add to the increased numbers, especially from January to August 2011, was the creation of the new state of South Sudan. The reasons of the citizens from this country for fleeing their homes range from civil war threatening their livelihood , ethnic cleansing of religion related to their beliefs, and protecting their children from becoming child soldiers.²⁹ David Hollenbach, professor at Boston College and author of *Refugee Rights: Ethics Advocacy, and Africa* has called Kakuma “a microcosm of nearly all conflicts that so deeply divide Africa today.”³⁰

Like almost all refugee camps in the world, Kakuma has three basic but important issues: overcrowding, lack of needed supplies (such as water, food, shelter, and building supplies for shelter), and security.³¹ All of these problems become harder to address as funding becomes more difficult to find for refugee services. If the basic needs were addressed, a part of the mistreatment of women and children would be addressed. But since this is a constant unsolved problem, the safety of women and children remain jeopardized as explained in chapter 4.

Dadaab

Dadaab was established between 1991 and 1992. It is situated about 62 miles from the Kenyan-Somali border. As of the end of 2011, Dadaab has been hosting over 474,000 refugees and have received 400 new arrivals each day currently making it the largest refugee camp in the world.³² The camp is separated into four sub-camps, Ifo (established in Sept. 1991), Dagahaley (established in March 1992), Hagadera (established in June 1992), and the newest camp Ifo II, officially opened in July 2011. These camps were set up to accommodate around 90,000 refugees, 30,000 per site, but are hosting several more thousand than could be properly handled.³³ UNHCR has been working hard to try and establish more land from Kenya for the past couple of years. July 2011 the United Nations was finally allowed to open Ifo II, a controversial camp that the local people fought against for years. They did not want the camp open for one simple reason: Kenyans did not want to give this land to the majority of the refugee population from Somalia. This camp sat vacant for nearly three years. More than one hundred homes, three schools and a clinic had been built but were not opened until recently because of the resistance of the local Kenyan community.³⁴

With the overcrowding in all parts of the camp, many are forced to sleep outside the camp. The majority of newly arrived refugees are women, children, and the elderly. A report from Medecins Sans Frontieres (Doctors Without Borders) says “living outside the camps mean they have little or no protection and are vulnerable to further violence.”³⁵ As a result, the organization has been trying to move refugees from Dadaab to Kakuma to help alleviate the mass overcrowding.³⁶

Dadaab has the same common issues as Kakuma, a lack of basic needs, overcrowding, as mentioned above, and security. UNHCR reports that there are cases of one toilet being used by

300 people as a result of lack of funding to help create a more sanitized and secure environment.³⁷ But the changing dynamics make Dadaab a more difficult place to resettle. Kenya closed the border in 2007 to try and deter Somalis away from the overcrowded camps. As a result, smuggling refugees across the border has become a large issue. Coupled with this, the camps have put all ethnic groups from Somalia together which has caused more conflict and making the area even less stable and insecure for everyone, especially females.³⁸ The trouble occurs because the conflicts in Somalia are transferred to the camps.

Conclusion

It is a huge burden for Kenya to host such a large number of refugees and a difficult task for UNHCR to manage such high a volume. As you can see, managing the violence directed toward women and children can and is easily pushed to the side to deal with the larger problems of shortages of basic necessities. This leaves little hope for refugee women and children to find safety. Throughout this paper I will address the reasons why women leave their homeland, what commonly occurs when they reach the refugee camps, and finally what is being done to help them once there.

Chapter 3 - Why Leave Home

“As civilization has largely left behind slavery, colonialism, and apartheid, let the 21st century be the first century without war.”

Hague Appeal for Peace 1999

The majority of people in the world do not want to leave their homeland. But when war breaks out and threatens the lives of their families, women don't have much option but to leave. When deciding to leave, several issues push women to migrate with their families or by themselves. Some common reasons for leaving include threats of attack or death because of religious beliefs, race, or ethnicity, villages being burned and having no home, sexual attacks by state military or rebels, and running from being kidnapped for sex slaves or even forced marriages.³⁹

Once women leave their homelands, the dangers worsen enroute as they try to cross borders into what they believe to be safer areas. Many women believe the camps will be safer, but in reality the problems can be worse than leaving their home country. Once in the camps, the violence and treatment of women is extreme.

Famines

If you were born before 1980, you probably remember the infamous pictures and news stories of the famine and starvation of Ethiopians in the 1980's. World Aid came to the rescue of the survivors in forms of foreign aid to rock stars involved in the 'Live Aid' concerts started by Midge Ure and Bob Geldof.⁴⁰ The world said never again would such a 'natural disaster' happen, not realizing that some of this famine was man-made created by greed and control. This has happened in nearby countries such as Sudan in 2003 where it was the government's

campaign to kill farmers and anyone trying to plant crops was to purposely create starvation.⁴¹ Unfortunately this currently is happening again on just as large of a scale as Ethiopia, it's just different countries. Now it's Sudan and Somalia.

During the 1980's, thousands of Ethiopians left their home to find refuge in neighboring countries and to find food and aid after several dry seasons killed their crops. The government began to control the food market causing famine and creating and uprooting many families. Huge numbers sought greener pastures. These refugees may not have been running from a war, but the path taken to find the bare necessities to live were just as dangerous as bandits waited to attack these weak Africans by robbing, kidnapping, raping, and sometimes even killing them. This is still the case today.

The "Live Aid" concerts initiated Bono, lead singer of U2, to begin investigating into these horrible disasters. While touring Ethiopia with his wife in 1984 for six weeks, the starvation they saw made them realize what happened in their home country of Ireland 140 years ago. Baffled that this still was a reality in a time of plenty, the rock star launched his career as a humanitarian. "Live Aid" was able to raise a staggering \$200 million to feed the world. Unfortunately the \$200 million raised to help stop famine went straight to debts African countries owed to wealthier ones, mostly accrued during the cold war.⁴² Although African countries were contributing to community services such as health, education and agriculture, this was only a fraction of cost compared to the debt they owed to Western creditors. An example to show the African debt in 1995, Ethiopia owed \$400 million a year which could only make a fraction of the payment making it even more difficult to pay toward community services that would help keep others alive.⁴³

Somalia for several decades has not had a stable government. Somalia descended into clan-based conflict in 1991 and has been without an internationally recognized government and central state authority for over ten years. Armed conflict raged across southern Somalia through 1991 - 1992, pitting clan-based militias against one another. The wars that began as struggle for control of the government quickly deteriorated into predatory looting, banditry, and occupation of land by clan militias.⁴⁴ Currently the majority of Somalia is controlled by warlords who in turn created the famine while instilling fear in the people.

According to a *New York Times* article, refugees are crossing the Somalia/Kenyan border at a rate of about 1,000 people a day. During their 50-mile trek to Dadaab, the closest refugee camp, more than half report being attacked at least once by bandits. Some have been attacked two or three times.⁴⁵ Attacks are being done mostly by Somalis on Kenyan soil. The reason for the attacks in Kenya is simple; the bandits fear the Shabab militia on the Somalia side. The Shabab militia is the rebel group who has opposed any type of government in Somalia and has created more chaos, conflict, and displacement than any other group.⁴⁶ When attacked by this militia group, the encounters include robbery to rape.⁴⁷

Kenya is experiencing difficulties serving the large numbers of people crossing the border every day. Reports from witnesses say police supposedly there on site to help aid and protect the refugees either claim that the police disappear or they are involved in the attacks. Right now there is no hope of adequate food in Somalia and this creates more influx of people into the country. This influx is creating famine at the Dadaab camp which has limited resources as a result of low funds.

Women and Children Combatants

In war, it is common to think that on the front line only men are fighting. But anymore this is not the case. As women across the world find more independence and break away from the traditional roles as mothers and homemakers, more join in combat. As great as this stepping stone is, it is not always welcomed by the men serving along side of them.

Reports from women that joined the Sudanese People's Liberation Army (SPLA) explain the maltreatment they endured. Once a woman changed from a traditional role of a domestic wife to a combatant, her status is lowered in the community whereas the status of a man that joins rises. Women are fully aware that apart from whatever additional roles they are entrusted with, their first role is as providers of sex.⁴⁸ Asma Abdel Halim puts it bluntly about the role of women who volunteer to be a combatant by saying "the violation of the woman by friends seems to be part of her duties, her violation by the enemy is her responsibility. She should give her body willingly for men in her quarters and be ready to protect it with her life in the case of attack by others, because a violated body is a symbol of violated honour."⁴⁹

But some women and children do not have the option of joining; they are abducted and forced into sexual slavery. Abduction for children under the age of 18 is defined as the "removal, seizure, apprehension, taking custody, detention or capture of a child temporarily or permanently by force, threat or deception for involvement in armed forces or armed groups, for participation in hostilities, for sexual exploitation and forced labour."⁵⁰ This form of abduction is true for women but becomes more complicated to define. To most of the educated world women kidnapped fall under the definition of human trafficking defined as "the recruitment, transportation, transfer, harboring or receipt of persons: by the threat or use of kidnapping, force, fraud, deception or coercion, or by the giving or receiving of unlawful

payments or benefits to achieve the consent of a person having control over another person, and for the purpose of sexual exploitation or forced labor.”⁵¹ But a villager will justify a woman kidnapped by saying they went willingly making it virtuously impossible for them to return to home if able to escape. A common practice in parts of Uganda is that the National Resistance Army (NRA) is not just abducting young boys and recruiting them to fight, but also girls. Reports confirm that young girls are being trained to fight with weapons. But the main reason for their abduction is to satisfy the sexual urges of the rebel group. Uganda and Sudan are two of several African countries that report child abduction. In the 2006 movie “*Blood Diamond*” the producer portrays the life of these kidnapped and brainwashed kids by the Revolutionary United Front (RUF) who were forced to commit horrible acts of violence in Sierra Leon during their civil war.⁵² Families either chance being killed or abducted by these young militia groups or flee to safety in the refugee camps.

Conflicts of Religion and Shari’a Law

From all the countries bordering Kenya, Sudan holds the record for the longest modern civil war in the Africa and ranks high as one of the longest civil wars of the world.⁵³ Religiously, Sudan is split between the northern Muslim population and the southern Christians.⁵⁴ The years of civil war started in 1983 and partially ended in 2005 after a peace treaty was signed. Although the war has taken on several dimensions, the most recent aspect in the second civil war has been the religious conflict between the two groups. The president Gaafar Nimeiry, enacted Shari ’a law in his second term (1980-1985) which made the north look at the south as infidels. “In the south, their daily existence is bedeviled by the fear of being raped, enslaved or killed, or by the horror of witnessing their loved ones expires in routine aerial bombardments

carried out by the Islamic government against southern villages.”⁵⁵ As the civil war took shape, southerners attacked by the northerners fled to the capital city of Khartoum thinking the city would be safer than their homeland while others fled to Ethiopia and Kenya. If a southern woman was captured she endured at least one of three things – rape, slavery, or imprisonment.

Participants in the Sudanese military that follow the strict guidelines of Shari’a Law considered women from the south of Sudan as war booty, if captured. This act comes from the practices of Muhammad hundreds of years ago where men capture women to be their sex slaves. Islam does not ignore or condemn slavery as Muslims are encouraged to live like their prophet Muhammad who was an owner of slaves who were captured during battles. He had sex with his slaves and preached that his men do the same which is quoted several time throughout the Qu’ran.⁵⁶ Muslim groups living in the territories adjacent to the southerners quickly picked up that this practice sanctioned by religion.⁵⁷ Northern Muslims kidnap southern women and young girls under these laws with no repercussion as Shari’a courts failed to establish anti-slavery laws. Slavery is thought to be legal in Shari’a law then and now.

Since women are not considered breadwinners they are raised to be dependent on men. If a man went to fight the north or worse, is killed by a northerner, she would many times have to either relocate herself and family elsewhere. As a widow she must find others to take care of her and her children. In most cases, she will have to find an alternative living because all her family has fled. Several women found making alcohol or turning to prostitution, otherwise called survival sex, as a desperate and only means of supporting their families. Sometimes the law considers rape to be prostitution. This makes rape an even more taboo subject under these circumstances. If ever caught (or accused of these livelihoods) women are imprisoned

immediately under Shari'a law. Instead of resorting to these degrading practices, some women choose to leave their homeland for Kenya in an attempt to find safety and an alternative way of surviving.

Widowhood and Abandonment

The simple fact that men are killed in war creates widows. According to the United Nations in 1995 in “many African countries up to 5 % of woman aged 25-44 are widows, 20 to 25% of women aged 45-59 are widowed, and over 50% of women of over 60 years of age.”⁵⁸ With so many female head of households they are more vulnerable to gender violence. To make it worse, if a widow is raped they are labeled loose women and find it hard to remarry. Widows with children who are raped are ostracized.⁵⁹

Abandonment has become a common occurrence in African countries. Men leave to be soldiers and are not able to visit their families. Often some will take a wife closer to their military camp leaving his original family to survive on their own. This increases not just lack of safety for the females in the family but also increases poverty forcing the female head of household to find other means of survival which is usually through migrating to somewhere else. With the strong odds of rape occurring, women tend to leave to find a safer haven elsewhere in order to keep their honor.

Rape, “The Friendly Weapon”

Rape in times of conflict has been around for centuries. It has taken the form of ‘comfort women’ that the Japanese and Chinese men used sexually during World War II and women have become war booty (a form of prize) in Islamic wars. Now comfort women are categorized as a part of Human Trafficking as this is still a common occurrence in conflict. ‘Rape’

is weapon that for many years was swept under the rug and ignored. Just recently have major players in the international community begun to act upon the problems created by war, mostly after the detailed documentation collected during and after the Bosnian war from women stepping up to talk about the assaults and unwanted pregnancies they endured. Disgustingly, Asma Abdel Halim uses the term 'the friendly weapon' to refer to rape because sex is used as a weapon that 'does not kill'.⁶⁰

Rape was, and still is, used as a war tactic to humiliate women, and also to inflict dishonor. Dishonor is characterized by society as "a woman letting herself be violated by another man or men" or becoming impregnated. Purposely impregnating a woman has long been thought of as a way to insult a woman's community. The soldiers performing this act consider it a form of 'ethnic cleansing.' If a woman is impregnated the 'soldier' did his job by destroying the tribal lineage the woman came from. Many women in Sudan are told stories from the past, usually from their grandmothers, about how in the late 1800s women would commit suicide in the Nile River to keep soldiers from raping them thus keeping their honor. "These women were said to have felt a responsibility toward the men who were unable to protect them. In other words, women's losses were counted as men's losses."⁶¹

Rape of any form is a violation of human rights, especially in the Laws of War where civilians are not supposed to ever be targets according to the Geneva Conventions. Rapes in war are usually done in public for all to see to instill fear into the community. These atrocities are also usually performed by men whom the community may know because the soldiers may have been neighbors at one point in time.⁶² Meredith Turshen sums up the rape and consequences of why women feel forced to flee their homes and become refugees:

Rape is committed to boost the soldiers' morale; to feed soldiers' hatred of the enemy, their sense of superiority, and to keep them fighting; rape is one kind of war booty; women are raped because war intensifies men's sense of entitlement, superiority, avidity, and social license to rape; rape is a weapon of war used to spread political terror, rape can destabilize a society and break its resistance; rape is a form of torture; gang rapes in public terrorize and humiliate women; rape is used to terrorize and silence women and force them to flee homes, families and communities; rape targets women because they keep the civilian population functioning and are essential to its social and physical continuity; rape is used in ethnic cleaning, it is designed to drive women from their homes or destroy their possibility of reproduction within or 'for' their community; genocidal rape treats women as 'reproductive vessels', to make them bear babies of the rapists' nationality, ethnicity, race or religion; and genocidal rape aggravates women's terror and future stigma, producing a class of outcast mothers and children-this is rape committed with consciousness of how unacceptable a raped woman is to the patriarchal community and to herself.⁶³

All aspects of rape mentioned in this chapter are facts that force women to leave for safer refuge. Women flee with their children assuming and thinking they are heading for safer territory only to find out that where they are going is much the same as what they left behind.

Chapter 4 - The Truth about Refugee Camps

When food becomes scarce, refugees often turn to desperate measures to feed themselves and their families. We are particularly worried about the health of the refugee population, domestic violence and refugees resorting to illegal employment or even to prostitution, just to put enough food on the table.

Antonio Guterres, U.N. High Commissioner for Refugees, 2005

Worldwide there are an estimated 42 million refugees; about 27 million are estimated to be women and children.⁶⁴ Women leave for their safety, taking with them their children and leaving their male partners behind to fight or die. By the time women and their families make it to the camps they are already traumatized by the acts forced on them or what they have been forced to watch. But the real trauma they thought they were leaving is just a continuation in these camps of 'refuge'.

Refugees over the years have made huge impacts on mixing cultures and ethnic groups. According to Jan Nederveen Pieterse this could be adding to the 'deterritorialization of culture,' or "an overall shift in orientation from culture 1 to culture 2." She explains this theory by saying that one culture is introverted and will eventually fall into the background where the other culture comes out more into the foreground. There is some mixing, but the culture that was in the background becomes more prominent.⁶⁵

When forced to migrate and enter into another culture, often by crossing national borders, some sort of mixing will happen through acculturation. According to Nederveen Pieterse, hybridization is a different way of looking at cultural mixing. Mixing of cultures brings out a Creole or Mestizo mix.⁶⁶ A refugee camp can be separated by ethnicities, but still creates a process of hybridization. But the sheer existence of refugee camps changes the culture and

starts that process of hybridization, something not always easy for people to accept when they realize it is occurring.

Set Up of Camps

Inside, the camps are like a large town with medical facilities, schools, and even tennis and volleyball courts. People try and go on with daily life with what they have, even continuing traditional celebrations. But the reality of living in these camps is very different than how they appear. Once night falls communities forced together often result in conflict and violence.

Camps are set up as a place of protection for people seeking refugee status, usually through an agreement between the host country and UNHCR. UNHCR states "that the term 'protection' should be interpreted as involving, at a minimum, protection against return to a situation of persecution, serious insecurity, or other circumstances which would justify asylum."⁶⁷ Protection includes treatment in the host country in accordance with international human rights law. This includes basic necessities of living such as food, shelter, and basic sanitary and health facilities. Once determined to be a refugee by the camps legal assistance, teams of trained and qualified interpreters are provided by UNHCR. What are not standard in camps is education, extensive medical care, and employment opportunities. This supposed protection makes the camps appear as the saving factor for refugees. But in reality, the camps may be just as bad as the violence they were fleeing.

The two camps that exist in Kenya are conveniently near the borders so that refugees fleeing Sudan and Somalia have easy access. In the original planning and setting up of the camps close to the borders made sense as it would make the journey for the refugees easier.

But in reality who they are running away from can easily cross the border to attack and return back to their homeland the next day.

Once inside the Kenyan compound, very few are allowed to leave unless a serious medical emergency arises. Even then, the person must have permission to enter into Kenyan society as a refugee. Schools are provided but education is not a given to just anyone, especially girls. Even then, when budgets are cut, education is one of the first to go. And no woman or child would dare leave their home or tent at night unless absolute necessity because of the rampant rapes, kidnappings, and gunfire.⁶⁸

Other problems with the initial set-up were the location chosen. Both camps in Kenya are very dry with desert like conditions. The local communities were already trying to cope with severe droughts and poverty before the camps were built. Now the locals must compete for natural resources such as water and firewood. To help compensate, UNHCR helped dig wells for water and made medical services available to the community regardless of refugee status.⁶⁹ In spite of perks to the Kenyans these practices create discrimination against Kenyans and refugees which results in conflict between the two groups – one who has worked hard for their land and the other given land.

Camps host several ethnicities and nationalities at the same time. This causes tension, especially when these groups do not like each other. The Kenyan camps are purposely segregated to help alleviate this problem, but it does not alleviate conflict between the groups. Militarization of camps is common as it is ignored by aid workers. “Aid workers often ignore militarization as long as the weapons and military training remain out of sight - quite literally.”⁷⁰ Arthur Helton, author of *The Price of Indifference: Refugees and Humanitarian Action in the*

New Century, reports not being able to move around the Dadaab camp without police escort.

And the compound he slept in was locked up at 6pm and not unlocked until morning for his safety. A US State Department Refugee Official also told the author that Dadaab was ‘Hell on Earth’ while describing the bandits that wait to prey on victims who dare leave the camp.⁷¹

I could not help noticing that the laments of the refugee leaders contrasted starkly to an idyllic mural painted on one entire wall of the UNHCR field office, titled ‘Ifo Camp in Action’. The reds, yellows, and blues used by a refugee artist depicted scenes such as groupings of families at water wells, the provision of medical care, and school classes. The UNHCR female field officer who had commissioned the painting was prominently depicted as well in the mural. Notably absent from the mural were the armed police escorts, rapes, clan violence, and deprivation that the refugee leaders were earnestly describing to me in great detail. When I pointed out to the elders the contrast between their reports of hardship and the idyllic nature of the mural, they simply shrugged their shoulders, wearily recognizing their invisibility to the international community.⁷²

For a UNHCR refugee camp to be set up, the country must agree to protection of the refugee, including usage of police force and security teams on site at the camps at all times. The security may be present, but not always helpful. Women have complained about a lack of female security. This is a large problem when looking at cultural differences. If a woman or girl is raped or physically assaulted, many do not want to report this to a man. And if it is reported, the information is not always acted upon as the man may feel the woman provoked it.⁷³

Apart from the gender issue, lack of security has been reported not just from refugees but security officers themselves, reporting they cannot keep up with all the security issues on a daily basis with the number of officers have in their command. The local police force also has to deal with culture clashes where a group or clan would rather handle the matter themselves through traditional justice practices.⁷⁴

Abduction and Trafficking

Abduction and trafficking mentioned in the last chapter is still a very real threat in the camps. Reports have found rebel groups purposely 'seeking refuge' just to recruit and abduct bodies for their 'war'. The UNHCR reports the presence of rebel groups puts women and girls at a high risk of abduction and trafficking.⁷⁵

Trafficking was not so common a few years back. But with the \$31 billion profits made by selling women and children, the second highest illegitimate business in the world, exploiters cannot pass up preying on dependent women and children.⁷⁶ Not all are looking for money but bodies to use to fight in combat or be used in other ways such as 'comfort women' for the combatants. Many abductions or kidnappings occur when the woman or girl is in a remote isolated area such as when fetching firewood or water. Many times when girls disappear the family labels it as 'elopement', running away to get married, when in reality she was taken with force and against her will. The difficult part is if a woman or young girl is able to return either through escaping or let go because no longer needed for services. Returning home is not so simple. Several reports maintain that women are stigmatized to the point of being rejected after returning.⁷⁷

Gender Based Violence

Only recently has the United Nations recognized the need for safer refugee camps as media has brought to light the atrocities of camp life. This has forced the UNHCR and other organizations to better secure the camps. Before, the issue of safety for females was never acknowledged by higher powers. Some could and have said that the 'higher powers' were mostly men who did not want to acknowledge the abuse thinking rape is not so bad. Others

knew what changes needed to be added but also was very aware of the difficulty of finding enough funding for this issue.

Before human rights groups, including feminists, called attention to the plight of women in refugee camps, the gender issues were being ignored except perhaps for a supply of sanitary pads. Now guidelines through UNHCR exist for the protection of women and children. But these are only guidelines that are not always enforced. In 2001 Stephanie Beswick reported that camp authorities overlooked the gender violence believing it was “purely political.”⁷⁸ Over the past year UNHCR has updated their Country Operations Profile page for Kenya acknowledging “overcrowded conditions and inadequate shelter in the camps have contributed to an increase in sexual and gender-based violence.”⁷⁹ So what do they mean by gender-based violence?

Olson and Scharffscher clarify the concept of ‘gender based violence’ or GBV. They define it as “violence inflicted on a person due to their gender and/or her perceived status as a sexual object.”⁸⁰ GBV can include acts that inflict physical, mental, economical and/or sexual harm and suffering.⁸¹ Gender inequality and discrimination are the root causes of GBV, which includes notions that inferiority upholds particular groups, societal norms, or simply those that rebel against the norms of their culture.⁸² Very little has been researched on GBV concerning displacement of women as compared to GBV not affected by conflict.⁸³ When women and girls are unable to enjoy other rights the risk of GBV increases.⁸⁴

The devastating consequences of GBV can lead to a whole range of violations of rights that include murder and possible death from HIV/AIDS, or acute and chronic physical injury, reproductive health problems, emotional and psychological trauma, stigmatization, rejection,

isolation, increased gender inequality, and further exposure to other forms of GBV.⁸⁵ GBV inflicted on women and children in the camps of Kenya include rape, female genital mutilation, forced prostitution or slavery, sexual favors for food, torture, forced marriages for safety, child brides, and segregation within camps.⁸⁶

Beswick interviewed several refugee women coming from Ethiopia, Somalia, and Sudan for 'safer havens.' In her research the women explained about the rampant rapes, beatings, stealing of property, and the murders committed by men staying in the same camps. On several occasions women would have to find ways to become dependent on the men to acquire food, shelter, and 'safety'; safety referring to not being raped by other men.

*Somali woman as old as fifty years of age and girls as young as four have been subjected to violence and sexual assault. Most of the women whose cases we investigated were gang-raped at gunpoint, some by as many as seven men at a time. Frequently, the agony was repeated; some women were raped twice or three times in the camps. In the vast majority of cases, female rape survivors were also robbed, severely beaten, knifed or shot. Those who had been circumcised often had their vaginal openings torn or cut by their attackers.*⁸⁷

An account from an Ethiopian woman entering into a refugee camp reported "some men bought food with their own money and this situation brought the ladies to be dependent on the men economically and physically. In order to eat and drink and to fulfill basic necessities we have to obey men against our will . . ." ⁸⁸ With the lack of basic needs in camps and several instances of receiving inadequate monthly rations, women would have to depend on men regardless of what they thought about the man. If the family cannot afford feeding all children, an early marriage could be the result for the girls in the families so there is one less mouth to feed.⁸⁹ For families with younger daughters marriage is many times rushed into for the young girl in an effort to protect them from rape and abduction. "In Somalia, girls were married off

early for their own security or to establish alliances with local militia to safeguard their families.”⁹⁰ Because of the rushed marriage, young girls are subjected to violence that otherwise may not have been as prone to happen because the family took their time to find the right man for their girl. Many men in Somalia are aware of this reality and will seek out families with young girls on purpose and exploit the situation by promising the family he will take care of their child only to turn around and inflict harm on her.

Other common occurrences Beswick reported were women ‘marrying’ for safety and shunning away from communities if found raped. Most rapes are not reported because of the fear of being shunned. Even though it is a mixture of cultures, all have strong beliefs that if a woman is raped, it is her fault and she did something to provoke this. Several women report ‘marrying’ to avoid mass rape from others in the camp. Usually women would endure physical abuse from a partner just to try and avoid being raped.⁹¹

Recently, research has focused on the ‘Lost Girls’ of Sudan who were still left in Kakuma while many of their counterparts (‘Lost Boys’) had been resettled in the United States, Canada, or Australia. What was discovered was that the lost girls had endured abuse in the camps. Like the lost boys, the lost girls are a large group who were separated or orphaned by their families as a result of the civil war in Sudan. While much was documented on the lost boys, not much was recorded on the lost girls, which resulted in lack of help for these young girls. When researchers began to interview the now young grown women of this group they found most had been abused by the foster families who took them in when settling into the camps years ago. Many reported abuse from beatings to slave work along with sexual abuse by the men in

the family. But they also reported forced marriages set up by the foster families looking for a bride price.⁹²

One of the most common times for women and girls to be raped is when they are out collecting firewood or 'cooking fuel'. The collection of cooking fuel is traditionally seen as a woman's role since it is part of their household duties. Humanitarian agencies provide food that must be cooked and don't provide firewood. Women and girls who leave to collect cooking fuel outside of the camp are at their most vulnerable and that is when attacks occur most frequently.⁹³ This fact is well known to the humanitarian agencies, including the UNHCR who reported this fact in their handbook for protection of women and children but no solutions have been created that keep this vulnerable group safer mostly as a result of funding..

These accounts of GBV on women and children are usually inflicted by men. Each individual man has their reasoning for committing these acts of violence. But situational circumstances can increase these occurrences of violence to happen such as disruption of social structures, men's loss of their traditional roles, poverty, frustration, alcohol and drug abuse, to name a few.⁹⁴ Women and girls in these situations may feel obligated to stay with the men committing these acts because they see no other way of surviving independently, because there is a religious or social obligation to stay in the family, or because divorce is not permitted under traditional judicial systems. Tradition includes widows marrying a brother or uncle of the husband without her consent as the family decides for her.⁹⁵ But unfortunately it is not always the man of the family inflicting this pain. Anyone from high positions of authority in the camp such as humanitarian workers and peacekeepers to bandits waiting to prey on those that leave the camp temporarily fall in this category of instigators of GBV.⁹⁶

Religion in the camps causes more problems, especially when conversion occurs. The refugee camps out of Kenya are run by Christian NGO's. As a result, some Somali Muslims convert to Christianity. Often when women convert they are physically and sexually attacked. For example, "when two Somali families converted to Christianity, the wife was beaten and raped in the Ifo section of the camp."⁹⁷

Married vs. Single Women

Outside the camps people talked about the misconception of the reality of life in the camps. Many believe that the single women who resided in these camps have become prostitutions because of the commonality of rapes. If and when these women find the money to return home they are shunned. "One such woman, Mercy, tried to go home after residing at the camp at Walda."⁹⁸ Upon returning to Ethiopia, she was greeted by her enraged father and thrown out of the house. "Why did you run away?" he said. 'I don't want to see you anymore!'"⁹⁹

One such phenomenon that is occurring now with younger Sudanese girls in Kakuma is that they are waiting and hoping for a 'lost boy' to return for marriage. About 3500 lost boys were resettled in the United States, Canada, and Australia between 1994 and 2005.¹⁰⁰ Many still want to marry a traditional Sudanese woman. So when ready for marriage, they make the journey back to Kakuma to find a bride.

Several families of these young girls are aware of this and wait to marry off their girls hoping for a lost boy to pay the family a large dowry. The reality of these marriages is that many lost boys are struggling to find a wife because of the price the families ask are much more than what these young men have, sometimes resulting in the young girl not being married.

Even though some girls are hoping to snag one of these lost boys, girls rebel by having their camp 'boyfriends' that they are devoted to and they pretend to go along with the arranged marriage. What occurs with this situation is the promised husband sends gifts and money that the girl happily accepts while waiting for the wedding. Once the fiancé arrives for the wedding the woman refuses, going so far as to falsely accusing the man of rape. Sometime the man is so enraged that he physically abuses her.¹⁰¹ When these marriages are successful there are benefits for the girl such as a new life outside of Kenya and a larger dowry for her family. But if not dealt with correctly, the young girl suffers in the end.

Education in the Camps

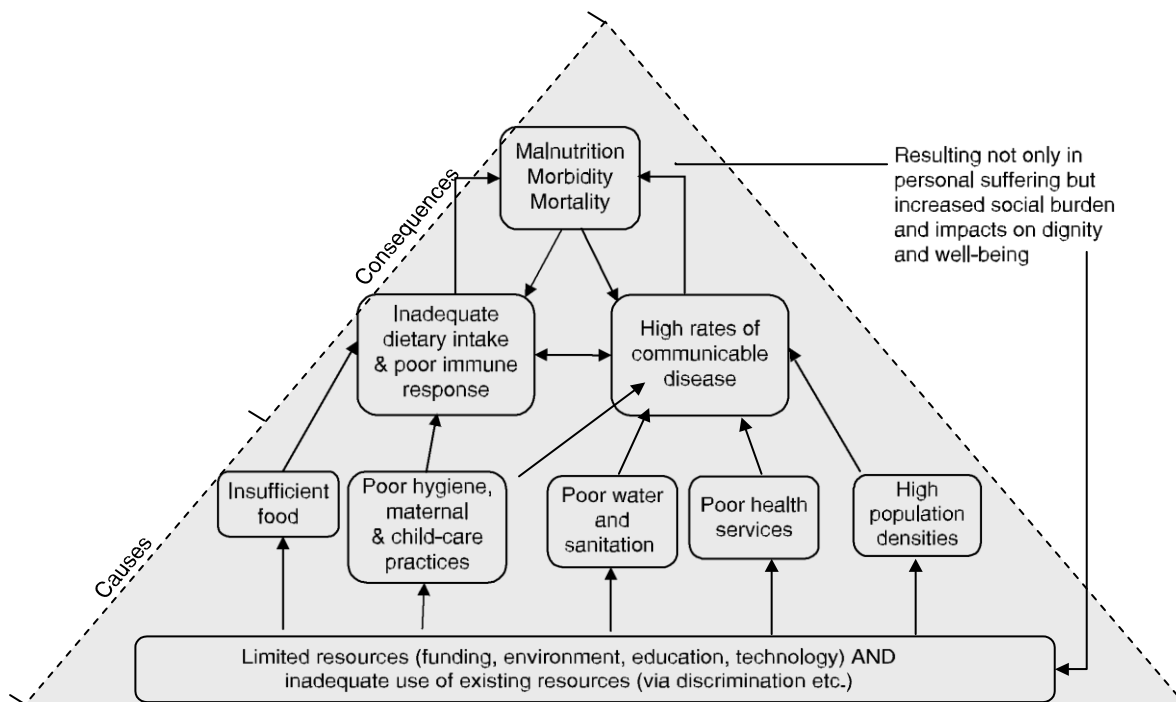
In both Kenyan camps, education is a right for everyone regardless of gender. But girls still represent a small percentage in the classrooms. Many are kept at home to help mom with the daily chores of domestic life such as collecting firewood and water.¹⁰² Once her chores are finished, then she goes to school. A report done in Kakuma in 2006 showed that out of the fifty-nine percent of children that needed to collect water before or after school, thirty-nine percent reported arriving late to school and twenty-seven percent reported failing to do homework.¹⁰³

Other reports said if a girl is committed to her schooling and is getting good grades, she must 'pay' for these grades with sexual favors. This practice discourages young girls to want to continue with their education especially if they are already promised to a man for marriage.¹⁰⁴ Once promised, the young girls' must learn to be a devoted wife and not an educated woman.

Sanitation and Health Factors

Sanitation is a large concern and a major factor in any camp. When several thousand people are living in close proximity, sanitation can play a large role in their health and safety. As of April 2011, Dadaab was reporting a case of one latrine shared by 300 people, a result of poor planning of the initial camp capacity and a lack of funding to build onto the camp as it expanded.¹⁰⁵ These refugees continue arriving malnourished from the famine and war in their country just to be exposed to conditions that jeopardized their health even more.

Reports taken in Kakuma in 2006 show statistics of the average time spent collecting clean water and the distance each household had to travel to collect the water. Again the collection of *clean* water falls on the fault of poor initial planning of the camps. On average ninety-nine minutes daily was spent collecting water traveling about 160 yards, a little longer than one and a half football fields. More than half of those collecting water were school aged children that missed vital time at school as they took the long water hike every day.¹⁰⁶ But health issues usually start with unsanitary water. Below is a diagram demonstrating the relationship between water, sanitation, nutrition and health:



Source: The diagram is taken from an *IWA Publishing, "A review of water and sanitation provisions in refugee camps in association with selected health and nutrition indicators-the need for integrated service provision"* (2008)

Lack of access to health care, especially related to safe reproductive health, is a common factor in the camps. As a result little medical care is available for a woman or girl who has been raped or suffered incest or sexual assault. (Sexual attack is not just physical, it produces physiological trauma). There is a lack of counselors to help with the mental part and lack of medical supplies needed if the woman or girl contracts HIV/AIDS.¹⁰⁸ In Africa and the Caribbean, young women are six times more likely to be infected by HIV/AIDS than young men.¹⁰⁹ As with education, when budgets are cut, health services always suffer. This is important to consider while working in the camps where many women and children live with HIV/AIDS and are looking for health care.

Many times mental health is not addressed in camps. UNHCR has recognized this problem and have provided some counselors, but not enough as funds are lacking to pay professional staff. Meredith Turshen, a researcher dealing with women and war reports "the feelings that women describe in response to their trauma - the fear, pain, grief, guilt, anxiety, revulsion, hatred, loss of dignity, and sadness - are associated with the breakdown of social life, the loss of language and cultural meanings, [and] the disruption of experience, of family and community."¹¹⁰ Regardless of the level of suffering these women and children have endured, counseling is not the only thing that will help them recover. The world mental health organizations ask pertinent questions as to the psychological health of victims of conflict. I hope all organizations involved in camp maintenance and care of refugees are collaborating on

finding the answers to these questions before more refugees arrive who are in need of these services:

*What are the lingering effects of large-scale conflicts on the sensibilities, mores, and ways of life of a society or nation? What are the lasting behavioral consequences resulting from cultures of violence in places like [Sudan and Somalia]? To what extent does domestic and street violence result from prolonged repression and conflict? What happens to the soldiers, the torturers, and the violent when they return to community life? What kinds of psychological and social difficulties do they encounter in civilian life? What happens to communities or societies after the fighting dies down?*¹¹¹

Chapter 5 - What is Being Done About the Maltreatment of Women?

Much of the problem comes from one simple fact: we don't believe refugees...In other words, 'the culture of disbelief' can make us deaf to the genuine cries for protection. We must allow their cries of pain to be heard.

Lena Barrett, JRS Europe

Throughout the history of the Kenya camps very little has been physically done to help protect the women and children residing in camps. Some of this can be attributed to ignorance and some to a lack of funding and lack of staff. But more recently printed guidelines and policies have emerged in regard to the protection of women and girls and small changes have occurred to start to improve conditions. But this was a long time coming.

Some organizations try to change the atmosphere of the camps, but the largest organizations, such as the United Nations, can slow down the process depending on their belief of the severity of the problem. Roberta Cohen, a past Senior Advisor to the Representative of the U.N. Secretary-General on the Human Rights of Internally Displaced Persons, wrote an article called “ ‘What’s So Terrible about Rape?’ and Other Attitudes at the United Nations.” Cohen commented on the nonchalant attitudes of her colleagues who she worked with during her time with the United Nations on the issue of maltreatment of women in refugee camps:

I saw this first hand at the Kenya-Somali border, where scores of Somali refugee women were being raped in camps run by United Nations agencies. When night fell, Somali bandits with knives and spears would come over the border to raid the camps, targeting particular women--because they were from a certain clan, were known to have money or possessions, or simply because they had no one to protect them. Other women were raped while they searched for firewood outside the camp. While the high number of rapes was well known (the agency responsible had even appointed a rape counselor), the attitudes of international staff toward rape itself created a problem.

"What's so terrible about rape?" someone asked me, "you don't die from it." Another considered rape to be a "regular" part of refugee life. It was that acceptance of rape as a regrettable but unavoidable part of refugee life that explained to me why so little was being done by the staff to prevent the rapes.¹¹²

Cohen goes on to say that this situation became better once the media found out about this attitude and recognize the lack of assistance being given to women. But this still is one of the largest ongoing issues surrounding females in refugee camps.

First Small Step to Improvement: Guidelines Provided by the United Nations

The United Nations have been very aware of the mistreatment of women and girls for several years. In 1991, the United Nations published “The Guidelines of the Protection of Refugee Women”. It was a momentous achievement for the rights of refugee women to be acknowledged by the United Nations. The Guidelines introduced policy measures for UNHCR to design programs for their personnel and partner organizations. These measures included the unsafe physical layout of refugee camps and procedures on aid distribution that were designed to help lessen the susceptible sexual violence forced on the women. This was a step toward correcting gender based violence (GBV) in camps, but again obstacles like funding cause these measures to be an elusive goal.

In 1995, the UNHCR published “Sexual Violence against Refugees: Guidelines on Protection and Response.” The purpose of this publication was meant to provide a framework for action for UN organizations, governmental and non-governmental organization, working with refugees. In 2003, the guidelines were updated to include not just refugees but internally displaced persons (IDPs). The last publication providing guidelines courtesy of the UNHCR was “The Guidelines for the Protection of Women and Girls” published in 2008 providing a new preventive approach toward the problem of sexual and gender-based violence.¹¹³ Again this publication shows progress on UNHCR’s part but has shown it to be difficult to fix as a result of improper.

It is meritorious that actors such as the UN organizations are concerned and trying to move toward a more refined understanding of violence committed against refugee women. The guidelines point out different forms of violence, not just from rape and sexual assault but also poverty issues being distinct forms of violence.¹¹⁴ Although this has been a good stepping stone to preventing these abusive acts, much still is needed to eliminate these problems.

UNHCR has been an instrumental part of the camps in Kenya over the years. The organization has received much criticism for not working faster at fixing this problem. But at the end of the day, it is an organization trying to better the environment for refugees with the sources given to them. In the past few years, UNHCR has been able to establish better working relationships with local police forces solely because their funding had employed close to 200 officers that included salary incentives, equipment, vehicles, and police station buildings. Along with law enforcement, UNHCR helped finance a mobile Kenyan court, which convenes periodically, to hear and decide cases involving both refugees and locals.¹¹⁵ Although UNHCR helped finance the court, their decisions on legal actions all fall under Kenyan laws.

The Impact of Humanitarian Agencies

The UN organizations and humanitarian agencies try to work hand in hand together within the camps. The majority of aid that is provided to the camps come from these agencies who are on site more than the UN officials such as Red Cross, CARE organization, Oxfam, Save the Children, and International Organization of Migration. Smaller Non-Government Organizations (NGOs) are able to fundraise through their private donors for specific needs making them a very valuable source to UNHCR who have stricter guidelines on funds and where to spend them. Their onsite experience also makes these agencies more knowledgeable of the

issues and problems that need to be addressed making it easier to find other funders that UNHCR may not have access to. These NGOs play a direct role in assisting refugee women and girls who are victims of violence by providing much needed services for their rehabilitation, support and empowerment.¹¹⁶

One of many examples of the NGO's effort to provide for refugee women in Dadaab are energy-saving stoves that use less fuel. The purpose of these stoves is to aid in the problem of massive rapes and attacks on women and children when they are collecting firewood resulting in less time away from a safe home.¹¹⁷ This is a start on a solution to one of the largest problems. But what is not mentioned is the type of stoves provided. If these stoves use propane gas or electricity, this may not be a solution since women would still need money to buy fuel needed to cook unless the NGOs are providing the fuel along with the stove. Still, some other NGOs have begun to actually provide firewood in monthly rations to help alleviate this common camp problem.¹¹⁸

Another program to help assist with the massive problem involved with collection of firewood was started by the UN Foundation and Cooperative Action for American Relief Everywhere (CARE). Working together the two agencies began a micro-lending program that targets vulnerable women. The result of this program of providing firewood greatly dissolved the risk of being raped. The only issue not fully addressed was the resentment from the men who were not allowed to participate in this program which made it difficult for some women to continue. Many men refused to respond when directly asked about resentment making this part of the study inconclusive.¹¹⁹ Often these women were related to the men not able to take part in this program forcing the woman to quit her participation in the program.

In September 2011, there were estimates of 1,000 Somalis daily crossing the Kenyan-Somali border seeking refuge, food and a safe haven. To cope with this Somali exodus some NGOs began to send out vehicles to look for refugees who have crossed the border. Solutions have been suggested that include setting up reception centers along the border that would then bus the refugees to the camps. Kenya is not ready to allow this to happen in fear that when the word is out, larger groups would attempt to cross the border.¹²⁰

When Dadaab was first established fencing for camp security was not yet set up. As a result reports of rape increased as anyone could enter the camp and sexually assault the women and girls. A short term solution, until final construction was finished, was to place thorn bushes around the camp to secure some type of fencing. After working the problem out, reports of rape decreased.¹²¹ This was a positive way of showing what NGOs and the UN organizations could do working together to bring safety to those inside the camps. But the problem in Dadaab currently is that overpopulation has forced people to create their own makeshift camps outside the fenced in structures. With the recent opening of Ifo II some outside the camps are now allowed in. But with over 463,000 people in an area that can only handle about 120,000 people at the most, several thousand are still in much more danger than refugees inside the compounds.¹²² Unless the Kenyan government commits more land for refugee camps, nothing more can be done about the space other than trying to shift some refugees to Kakuma in the north.

How Implementations in Other Countries Could Benefit

Kenya is one of many host countries providing shelter to refugees. The uniqueness of the Kenyan camps at the moment is the amount of people living within them. Currently

Dadaab is the largest refugee camp in the world because of the conflict and famine in Somalia. Eventually Kenya will not have as many refugees crossing borders and another conflict will occur internationally establishing the need for refugee camps in other areas of the world.

Because the camps are currently so large, some pilot programs have been started elsewhere with the help and support of UN organizations and NGOs. One particular pilot program that the International Rescue Committee (IRC) begun in Burundi in 2007 helped reduce GBV against women and children. The program evaluated “the extent to which increased awareness about gender equity, combined with economic resources, reduced vulnerability to domestic violence more effectively than access to economic resources alone.”¹²³ This program was to test one hypothesis: men may find ‘women-only’ intervention threatening and find a positive way of still helping women and girls without emasculating men’s roles. The programs focus was on micro-financing to help increase both men’s and women’s economic status and independence.

If men were not directly involved in the microfinance groups, the husbands of the women were always invited to meetings their wives were a part of to come participate in the discussion. This strategy helped allow the men to know they do have some power over the overall outcome of their wife’s success and to show the husband how his wife’s participation could benefit the family. As female authority increased a decrease in domestic violence occurred. Not only did the program increase women’s economic resources, it also increased their role in household decision making thus empowering the women of the group as a whole. From 2001-2005 a similar program in South Africa brought success by increasing income which

decreased levels of domestic violence. The only differences between the programs were the amount of training women received on health issues such as HIV/AIDS.¹²⁴

These are just a few successful programs that have been studied and proven to have a success rate. If these programs are showing rates of success then these should be implemented in Kenyan camps. The largest problem is funding and finding a responsible NGO to run these programs, particularly with the knowledge money could be pulled out at any time. When the money dries up so do jobs and security.

The Empowerment of Women and Girls

Despite the negative aspects of the refugee camps there has been a sense of evolving empowerment for women. Camps have reported anti-rape committees created by the refugees to find solutions to this rampant problem.¹²⁵ Not only is it allowing women more power to talk about this taboo, it demonstrates a shift of how refugees think about rape. This shows that this horrendous act is now not always thought of as a woman's fault. In fact some married women have reported their husbands not leaving them just because they were raped. This was once thought of as in many African cultures of requiring a divorce because the wife 'allowed' another man (or men) to touch her.¹²⁶

When it comes to sports and exercise, this usually is considered a male activity. But in 2004, Nike partnered with UNHCR to implement a pilot program focusing on physical education. The "Together for Girls Initiative" used sports as a "tool to promote girls' and young women's integration in the education system."¹²⁷

This program implemented falls in line with four of the articles from the Convention on the Rights of a Child (CRC) which include equal education for all, respecting their own culture

and identities while developing their talents and physical abilities, equal opportunities for recreation and leisure, and expressing their views freely.¹²⁸ With Dadaab home of mostly Somalis, dress attire for the Somali girls and women requires the traditional hijab to be worn that makes the clothing difficult for young girls to play sports. With the help of Nike, a team of female designers came up with sports attire that still covered the girls from head to toe and making movement easier for sport activities. To add more possibility for girls to attend school, Nike donated funds used for employing more teachers, constructing more classrooms and desks, and constructing separate girls' latrines in the camp schools.¹²⁹

At first, this program created much resistance and even persecution of participants. "Girls' sports are still a novelty in Somali culture, so much so that the volleyball players here have been denounced by sheiks for supposed unladylike acts, like running or extending their arms in the air, and gawked at by boys unfamiliar with seeing women doing much more than cooking or cleaning or carting water on their heads." Elders in the camp considered girls playing sports to be prostitutes and brought embarrassment to the parents of the girls. But the girls who have the opportunity to participate in these activities are thrilled, saying their troubles and thoughts of who their parents are going to marry them off to or what work they have to do when they return home leaves their heads when they are playing. And more importantly, they are so preoccupied with the activities that they don't have time to think about what clan the girl next to them might be from, this is one way to begin peacebuilding.¹³⁰

As a result of this initiative in 2004, girls made up a larger percentage of those attending school, but still less than half. Increased classroom size decreased the student teacher ratio and further increased opportunity. A continuing problem was the low rate of female teachers hired

- about 21 percent. The success in this initiative was cut short as larger numbers of refugees arrived. In 2004 about 127,000 refugees resided at Dadaab. In the beginning of 2012 there are at least 463,000 refugees and the number continues to grow. The 'Together for Girls' initiative has nevertheless involved both the community and donor to enable more girls to participate in sports for the first time and has helped raise their level of education, their confidence, their leadership and peacebuilding skills.¹³¹

Displacement by war and conflict is always a difficult problem of human suffering. But in the long run it can become a positive for women. Turshen writes "War . . . destroys the patriarchal structures of society that confine and degrade women. In the very breakdown of morals, traditions, customs, and community, war also opens up and creates new beginnings."¹³² When men are fighting or have been killed as a result, it forces women to become head of households. As hard as this may be for the women in this position, it may also be the first time in their lives they are allowed to make the decisions in the home that includes financial decisions and the ownership and dispersal of property.

Regardless of the suffering, these life experiences are beginning to change women's thoughts about being a woman and their responsibilities. Unfortunately, it has been rape that pushed women to unite and come together as a group to combat this violent act. It may also just take a simple clothing design to help girls experience sports for the first time in their lives and to realize there is more out there for them than what they have been forced to accept. Regardless of the problems associated with NGO's and UN organizations, small steps have made a significant difference for these women and children. Women and children who have been uprooted from their homes come to a place in search of a safe haven.

Chapter 6 - Laws and Policies For Refugee Women and Girls

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

Universal Declaration of Human Rights - Article 14

Basic Human Rights

Basic human rights are implied in every law of protection but it is the most ignored right. Journalists who investigated these violations reveal the truths that most governments do not usually see the point of human rights. Human rights belong to all human beings and protect non-citizens including refugees. The term human rights became known worldwide from the *UN Declaration of Human Rights*. While an ambiguous definition it included rights that all humans should enjoy, among them, the freedom to move freely in safety without fear and to be treated equally regardless of gender.¹³³ Natural law believed that certain rights were inherent in all human beings and that included the basic necessities to live and in a safe environment. It was one's duty, not for charity, but because it was the right thing to do to follow and practice natural law. Natural law does not include common law as that brings in legal tradition. Common law falls under the belief that certain rights or values are legally cognizable by virtue of judicial recognition.

This concept of natural law has been lost in many governments who either violate the basic human rights or who do not want the responsibility of non-citizens in their state. The German philosopher Kant argued that “since the earth was originally a common possession, and since the natural boundaries were contingent and arbitrary, every human being retained the right to move freely to other parts of the world, especially in time of need.”¹³⁴ Most international laws, policies and treaties stem from this basic factor of respect of human life and

should be the first factor the legal system reviews in regard to violations of refugee women's rights.

International Law

International law has been in existence for over 400 years, taking on several different forms. But only since the 1970s has there been specific legislation directed toward the basic human rights for women and girls. In recent years with the ever changing nature of conflict and new targets international law has become more complicated and achieved greater importance.

In the past, international law applied only to states. Now, international law has jurisdiction over not only states, but intergovernmental organizations (IGO) and some Non-Governmental Organizations (NGO). The American Law Institute now defines international law as consisting of "rules and principles of general application dealing with the conduct of states and or international organizations and with their relations inter se, as well as with some of their relationships with persons, whether natural or juridical."¹³⁵ Article 38 of the Statute of the International Court of Justice (ICJ) identifies three major sources of international law: (1) International conventions (treaties), whether general or particular, establishing rules expressly recognized by the contesting states, (2) International custom, as evidence of a general practice accepted as law, (3) The general principles of law recognized by civilized nations".¹³⁶ This chapter will focus more on international laws, treaties, and conventions related to international refugee women and girls.

International human rights law is only truly effective during peacetime. Because state governments often refuse to become involved in domestic issues, including civil war, international human rights law will not be enforced as effectively as in peacetime. In contrast international humanitarian law (IHL) becomes more effective during war as a result of the 1949

Geneva Conventions which outlines treatment of all people including civilians during armed conflicts.¹³⁷

The first Geneva Convention was created in 1864 to deal with issues surrounding the treatment of wounded soldiers. It was not until the fourth Geneva Convention in 1949, and then again in the Additional Protocol II (1977), when civilians were considered for protective rights during conflict and war.¹³⁸ These conventions only began to be enforced legally through the International Criminal Court (ICC) in 1998 through Article 7 and 8.¹³⁹ Both Articles specifically addresses gender equality and mistreatment of women and children:

Article 7

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 8

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, "war crimes" means:
 - b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.¹⁴⁰

The International Committee of the Red Cross (ICRC) considers the Geneva Conventions the beginning of IHLs, in which one crucial part the 'Essential Rules of International Law', states

that “the parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare the civilian population and civilian property. Neither the civilian population as whole nor individual civilians may be attacked. Attacks may be made solely against military objectives.”¹⁴¹ This paragraph alone, if enforced, could help protect most, if not all, refugees in the world. The problem is this is not being enforced. The largest problem with that is there are no third party mechanisms to enforce the law. Gerhard Von Glahn and James Taulbee agree with this statement saying “no such superior exists in the international sphere, except for the use of UN forces or direct unilateral intervention by one of the great powers, nations have no reason to obey the law.”¹⁴² To add to this, international issues do not fit easily into a single category. The General Assembly of the UN created the International Law Commissions (ILC) in 1947 to develop and promote codifications. Again, the problem is that the General Assembly does not have the authority to legislate international law, they only make recommendations.¹⁴³

Treaties, Conventions, and Policies

Among the several different international laws are treaties, conventions, and policies that are put into place to help regulate human rights. There is no real difference between treaties and conventions. They both hold the same value in the international community in the sense that both are no more than a set of conditional promises between states. Treaties do not create new rules for international law although other states can adopt other agreements by different states as guidelines.¹⁴⁴ As defined here “a treaty [or convention] is an international agreement embodied in a single formal instrument (whatever its name, title, or designation) made between entities both or all of which are subjects of international law possessed of an

international personality and treaty-making capacity, and intended to create rights and obligations, or to establish relationships, governed by international law”¹⁴⁵

Although several thousand treaties exist between states, very few relate to the protection of refugee women and girls. The treaty that started to specifically include gender protection is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), created by the United Nations in 1979. CEDAW was created on basis gender equality. As stated in Article 1 the term ‘discrimination against women’ is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹⁴⁶ Although an important step in protection, the problem with this definition is the failure of addressing GBV that men typically do not encounter.¹⁴⁷

The 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the convention known as ‘The Torture Convention’, another UN treaty, falls in line with abuse of women but again misses some important points to be used in protection of GBV by governmental officials. The convention’s definition states that torture be instigated, consented or acquiesced to by a public official basically giving permission for these acts with official consent.¹⁴⁸ Human rights organizations, like Amnesty International, focus their mission on studying abuse by government. The question posed by women’s rights advocates that “without an organized state body, who can the international community hold accountable for violations like the rape of women?”¹⁴⁹

As mentioned in Chapter 3, apart from formal conventions, the UN through UNHCR has developed several 'guidelines' or policies for the protections of refugee women and children. Starting in 1991, UNHCR published "Guidelines on the Protection of Refugee Women." The first of many guidelines published by UNHCR introduces policy measures for programs created for UNHCR personnel and NGO partners to help fill in the protection gaps specific to women that included unsafe physical layouts of refugee camps and procedures for aid distribution.¹⁵⁰ From this guideline came "Sexual Violence against Refugees: Guidelines on Protection and Response" published in 1995 providing a framework for action for UN organizations, IGOs and NGO.¹⁵¹ Updates were made in 2003 to this guideline that included not just protection of refugees, but also Internally Displace Persons (IDP). Then in 2008 the "UNHCR Handbook for the Protection of Women and Girls" was published focusing more on the problem of sexual and gender-based violence.¹⁵² All of these guidelines show progress for UNHCR that is not only addressing the problem but also beginning to set up steps to eliminate GBV.

Other helpful conventions and guidelines that have played a role in protection of refugee women over the years include the "Geneva Convention Relating to Statues of Refugees of 1951", "The Protocol Relating to the Statue of Refugees of 1967", "Organization of African Unity Refugee Convention of 1969 (OAU)", and the "Universal Declaration of Human Rights". These conventions are not specifically related to women and girls, but as an overall protection of any refugee regardless of gender, but because they are conventions they are still considered guidelines. Plus the government of each country hosting refugees plays a large role in if and how these guidelines are implemented in their country.

Kenya's Responsibility

Since Kenya's independence in 1963, the country has always seen an influx of refugees. But the country was not prepared for the amount of refugees entering their land. Starting in the 1990s the Mengistu regime in Ethiopia fell and severe conflicts arose in Somalia around the same time that forced Kenya to ask for help from UNHCR as a result of illegal entry of refugees. Currently Kenya has tried to take over the responsibilities of the camps from UNHCR, though they have not succeeded.

Kenya, by the laws and standards of the OAU, is not permitted to turn away or send refugees back to the country in which they are in danger. But as a government, the country has never adopted a policy requiring refugees to stay in camps. Currently if a refugee is found outside the camp without permission government officials deport them for illegally crossing the border unless they are bribed. If they are not in one of two camps a bribe is required and for women this is usually in the form of sexual favors.¹⁵³ A refugee bill has been written which is in line with the standards of the UN and OAU treaties.¹⁵⁴ This bill would create a National Council for Refugees to plan and coordinate policy that "would include government officials responsible for foreign affairs, environment, health, education, domestic policy, refugees, and internal security."¹⁵⁵ This bill still has not been passed by the Kenyan Parliament. More than ever, Kenya is in the spotlight to take action on protection of the thousands of refugees in their country now that they have the largest refugee camp in the world. But the government still is not the best place to turn for help and support of refugees.

Conclusion

Progress is slowly being made happening in providing safety and eliminating GBV against refugee women and girls. With more recent international court convictions focused on

the rapes of refugee women in war through the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR), more legal precedents are put in place. Through the ICC recognizing GBV as a punishable crime demonstrates progress.

To establish safety for refugee women and children, treaties and policies need to change from guidelines to enforced laws. The UNHCR documents relating to protection of refugee women and children state they are guidelines that can be followed, *if chosen to*, by workers involved with UNHCR and refugee camps. If these guidelines could be implemented in each camp, improvement of not only women's lives would be better, but also men's. This would help to deter some of the violence created because of the frustrations of men not feeling adequate or included. With these 'guidelines', including changing the physical design and locations of camps, more training on the daily issues refugee women encounter, educating women about their rights, and employing female staff to work with the refugee women, big steps forward are possible.¹⁵⁶ But still, too many cases of GBV exist regardless of these guidelines. As stated in an article written by Mulki Al-Sharmani "because the realities of displacement and violence for many refugee women and girls are heterogeneous, complex and dynamic, we are in need of rich and multidimensional understanding of such experiences, as well as policies that are grounded in such understanding. This is a necessary, but by no means easy task."¹⁵⁷

Chapter 7 - Conclusion: Suggestions and Solutions

Rich and powerful nations need to be more fully invested in finding solutions for refugees, both through financial support for refugee operations and by placing solutions for refugees higher on the international political agenda.

Angelina Jolie –UN Ambassador

Regardless of the fact that the GBV is a huge issue surrounding the refugee camps in Kenya, little is being done about solutions. The United States General Accounting Office (GAO) has recommended that building better structures in the camps including more latrines and water posts. A good start would be adding more security and patrols, implementing harsher persecutions for abusers, more education for both men and women for civil treatment of each other, and more services and jobs for men (to help bolster their masculinity).¹⁵⁸

In the “UNHCR Handbook for the Protection of Women and Girls” the needs to be addressed are outlined. But the organization has failed to implement them consistently and successfully. Some of these items that the UNHCR has failed in include having “limited or poor quality interaction with women and girls, a tendency to assume men are the ‘principal applicant’ or head of household, invisibility of violations against women’s and girl’s rights, and a lack of engagement with men and boys”.¹⁵⁹

As mentioned in chapter four, other camps have addressed the issue of the men’s feeling of emasculation as programs set up to help refugee women render men economically independent. These studies, done with the help of UNHCR, the Women’s Refugee Commission and the IRC, showed the importance of including men in discussions as women took control of financial affairs in a family. The Women’s Refugee Commission wrote in 2005 that “too often men are the gatekeepers of the current gender roles-and, as such, are potential resistors to

change.”¹⁶⁰ The Women’s Refugee Commission suggests involving men in one of three ways; (1) to help deter GVB by offering equal opportunities, (2) involving men in discussions, and/or (3) relating to male community leaders.¹⁶¹

Jobs and services for men seem like a small step to helping discourage GBV toward women. But on a small scale this can be related to Dominique Moisi’s theory of humiliation in his book ***The GeoPolitics of Emotion***. He states that “humiliation peaks when you are convinced that the Other has intruded into the private realm of your own life and made you utterly dependant.”¹⁶² This simply shows how a male being uprooted from his livelihood to living in a refugee camp as a result of his homeland’s problems creates serious problems.

As mentioned earlier on, the main problem that organizations working with refugees run into is there is little funding to help sustain these camps and to create a safer environment. All of these organizations are in existence because of private donations or grants. Neither funding sources are guaranteed causing organizations to stretch funds they do receive and continue to search for other sources. For example, UNHCR’s Global Appeal 2011 says that as a result of the shortage of funding in 2011, “the ratio of health facilities to refugees will stay at 1:20,000.”¹⁶³ So how does this affect women directly? If a woman is raped or beaten, the possibility of not receiving medical treatment can and will deter some women from seeking help.

Of the governments involved in their problems, each government knows clearly the problems within their country. They are also very aware of the issues in the surrounding states. But many governments do not directly want to deal with situations that create displaced people. Sometimes it makes certain things easier for a country to allow their people to flee to a

neighboring state, making them less responsible to what happens to that individual, or in these cases, groups. But for the floods of people to stop, countries must take responsibility for the conflict that is the root of the problem. In the case of the Kenyan camps, the countries who need to take more responsibility are Somalia, Sudan, Ethiopia, and the Democratic Republic of Congo.

Kenya is aware of their status in protecting the refugees crossing over their border for protection. But in the same time when solutions are suggested to help refugee's already crossing, Kenya will not allow much to happen. Humanitarian agencies have suggested setting up reception centers at the borders to not only provide registration, but also to lessen the danger most encounter even after crossing and making the trek to the camp as I mentioned earlier. Kenya resists this solution believing more people would flee and cross the border if help and access is that much closer.¹⁶⁴ But UNHCR still wishes in their goals for 2013 to continue discussions with the Kenyan government to find ways to create reception centers at the major border crossings.¹⁶⁵

As mentioned in previous chapters, UNHCR has provided salaries for a police force to be present at the camps at all times.¹⁶⁶ But unfortunately this provision does not cover the rest of the country. Many refugees crossing the border have reported abuse by the Kenyan police-- everything from harassment to sexual assault. The Kenyan government must monitor their police force and train them properly on the rights of refugees.

Once refugees are settled into the camps, some resources are offered to women experiencing GVB from a spouse or family member. It is limited, but training is available for women to educate them on their rights. Most of the time when these women attempt to

return to their homeland, these safeguards are not in place and what little safety they were able to receive in the camp is now no longer available. A Sudanese woman who had lived in Kakuma quotes “here in the camp, we have protection. You can report if your husband beats you and you can stay in a safe haven. But when we go back to Sudan, there is no one we can report to.”¹⁶⁷ To complicate matters, women are going to their homes to radically changed situations. Many are going home with no male relatives in a culture that looks down upon a female as head of household. As a result, women and girls may find obstacles accessing their housing, land or property, and obtaining education.¹⁶⁸ Countries receiving returning refugees need to have more than just policies in place. They need to take action to help protect their own people returning home, especially women.

Refugees should be looked at as opportunities, not burdens, by host governments. Much can be learned from experiences of refugees that involved the local host community either through employment or leadership positions on committees. Refugees returning home should be considered in the long-term rebuilding of their lost communities and as an important component for building peace.¹⁶⁹

One great example of demanding peace and of continuously reminding local and national leaders why there should be peace was successfully done by a large courageous group of women in Liberia called *Women of Liberia Mass Action for Peace* led by Liberian peace activist and Nobel Peace Prize winner Leymah Gbowee. Gbowee learned about her rights as a woman through a program sponsored by UNICEF while in a camp trying to survive the Liberian civil war.¹⁷⁰ This group of women continuously stood outside the offices of people who continued the war. They followed them to national conferences, organized sit-ins at sites where

important leaders gathered and forced to stay inside building until they came to an agreement to stop the conflicts. These women were tired of running, seeing their families and friends killed around them, and most of all they were tired of the GBV that was inflicted on many of them while living in dangerous camps.¹⁷¹

Women must be supported more by other organizations, especially organizations focused on women's rights. The only time most women groups are adequately funded is when media is focused on the area. Lacking help globally from other women's organizations it is difficult to stay in the spotlight. When the help and funding is forthcoming, successful programs often through micro-lending such as Kiva or Grameen, help provide leadership and offering the right training. But unfortunately as soon as that spotlight is lifted, these programs diminish.

The international community needs to focus more on the issues of GBV. Nobody internationally had been held accountable for GBV in wartime until detailed documentation was recorded during the Bosnian war in the 1990s when massive rapes occurred. In 1996, the International Tribunal for War Crimes indicted eight Bosnian Serb military and police officers for the crime of rape, the first time in war crimes history that sexual assault was upheld in international courts. GBV which occurred in Rwanda quickly followed with similar counts of crimes against women.¹⁷² These small occurrences of justice show progress for women and girls who for centuries have endured this violence considered "just a part of war". But international law must continue to push for individual countries to enforce these laws and regulations. Still, too many are not persecuted for their crimes.

In all, women and girls have shown great resilience, resourcefulness and courage in adapting to the challenges of refugee life. Having too often become victims of serious human

rights violations they must be supported by efforts to better their circumstances. The “UNHCR Handbook for the Protection of Women and Girls” includes three objectives for empowerment for the women and girls which include:

1. *Build the capacity and skills of the members of the community and ensure programmes are designed in partnership with them and reinforce their dignity and self-esteem,*
2. *Ensure targeted actions to support the empowerment of those who might be excluded so that they can claim their rights and participate meaningfully in the community,*
3. *Help empower the community as a whole and individuals within the community, particularly women and girls, to access and enjoy their rights.*¹⁷³

Despite the fact that much still needs to happen for the safety of women and girls in refugee camps a beginning is underway. With the help of NCW technology and the awareness of people around the world, things are slowly changing for the better in the refugee camps of Kenya. According to the “UNHCR Global Appeal 2010-2011 – Kenya”, more emphasis is on creating a safer environment working toward the goal that “all reported victims of sexual and gender-based violence receive support from UNHCR and its partners.”¹⁷⁴ But self-reliance and resilience need to be strengthened among refugees and local communities. Still larger organizations need to pressure the governments of countries hosting refugees for better treatment of the people, especially women and girls. In conclusion, I think High Commissioner Antonio Guterres says it best with saying

*Today, there is still a widespread culture of neglect and denial of violence against women and girls. We must commit to change this. As members of the United Nations, each and every staff member is responsible not only for raising his or her voice to protest against sexual and gender-based violence, but also for taking action to respond and prevent it. We, especially men, are often reticent to speak out to condemned violence against women and girls. But this should not be viewed as a personal matter; it is an essential part of our work to promote international protection.*¹⁷⁵

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- ¹ Quote found from “Refugee Women and the Imperative of Categories”, Audrey Macklin
- ² Source was taken from Kenyan Country Profile from www.unhcr.com on May 20, 2013.
- ³ Cited from the website <http://www.nationalarchives.gov.uk/records/research-guides/refugees-minorities.htm>
- ⁴ *Genocide and Crimes Against Humanity* (2005)
- ⁵ Notes come from enotes.com (<http://www.enotes.com/refugees-reference/refugees>) taken 1/27/13
- ⁶ Information taken from “The 1951 Refugee Convention Questions & Answers” from www.unhcr.org
- ⁷ www.unhcr.org
- ⁸ Definitions are taken from UNHCR’s “2008 Global Trends” <http://www.unhcr.org/4a375c426.html>
- ⁹ Lischer, Sarah Kenyon. *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemma of Humanitarian Aid*. Ithaca and London: Cornell University Press. 2005.
- ¹⁰ Tyrrell, <http://iantyrrell.wordpress.com/what-is-transnational-history/> retrieved 2/14/12
- ¹¹ Grabska, ‘Lost Boys, Invisible Girls: Stories of Marriage Across the Borders’, *Gender, Place and Culture* p. 482
- ¹² Grabska ‘Lost Boys, Invisible Girls: Stories of Marriage Across the Borders’, *Gender, Place and Culture* p. 482
- ¹³ Grabska ‘Lost Boys, Invisible Girls: Stories of Marriage Across the Borders’, *Gender, Place and Culture*, p. 482-3
- ¹⁴ *Displacement, Asylum, Migration*, Oxford University Press, 2006, p. 3
- ¹⁵ Information comes from Jan Nederveen Pieterse’s *Globalization & Culture: Global Melange*, 2009, pp. 54-55.
- ¹⁶ Stats on total refugees within the world in 2010 from <http://www.unhcr.org/4dfa11499.html> and from UNHCR “2010 Global Trends”. When starting research in 2009 the stats were 43 million so an increase has occurred over the years. “2011 Global Trends” were not available.
- ¹⁷ www.un.org
- ¹⁸ U.S Department of State, Diplomacy in Action, Profile of Kenya, April 25, 2011, <http://www.state.gov/r/pa/ei/bgn/2962.htm>
- ¹⁹ U.S Department of State, Diplomacy in Action, Profile of Kenya, May 5, 2010, <http://www.state.gov/r/pa/ei/bgn/2962.htm>
- ²⁰ Information cited from <http://www.unhcr.org/4dfa11499.html> from the UNHCR Global Trends 2010
- ²¹ Information cited from www.unhcr.org in January 2013. When originally starting this research a few years ago, the estimated numbers of refugees in Kenya was 342,000. That is a difference of 217,000 reported newly arrived refugees in Kenya in three years.
- ²² Statistics were taken from www.unhcr.org on February 2, 2012 on the Kenya Profile Page.
- ²³ Statistics were taken from www.unhcr.org on February 2, 2012 on the Kenya Profile Page.
- ²⁴ This chart is a prediction of refugee flow into Kenya for 2012-2013. This chart is found on the 2012 UNHCR Country Operations Profile: Kenya, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>
- ²⁵ All information adapted from the timelines of BBC new. www.bbc.co.uk
- ²⁶ Global Report 2010 Kenya <http://www.unhcr.org/4dfdbf4a0.html>
- ²⁷ Map is taken from the www.unhcr.org Kenya Country Profile
- ²⁸ Information taken from the book *Refugee Rights: Ethics, Advocacy and Africa*, 2008, pg. 13-26 written by Abebe Feyissa and Rebecca Horn – “There is More Than One Way of Dying: An Ethiopian Perspective on the Effects of Long-Term Stays in Refugee Camps.”
- ²⁹ Information taken from the book *Refugee Rights: Ethics, Advocacy and Africa*, 2008, pg. 13-26 written by Abebe Feyissa and Rebecca Horn – “There is More Than One Way of Dying: An Ethiopian Perspective on the Effects of Long-Term Stays in Refugee Camps.”

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- ⁹⁸ Walda was a temporary camps set up in Kenya in the 1990s. Because of budget cuts, the camp was closed.
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- ¹⁰⁵ "UNHCR chief joins visit to Dadaab, expresses concern for Somali refugees"
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